

Appl. No. 10/734,072  
Response to 01/12/06 Notice of Non-Compliance  
Atty. Dkt. MI40-369

### REMARKS

The Office considers the Amendment filed November 22, 2005 as failing to comply with 1.121.

This Amendment accompanied a Request for Continued Examination filing in response to the December 8, 2005 Final Office Action.

This application is a reissue application. The Office has apparently failed to recognize that this is a reissue application.

37 CFR 1.121 does not apply to reissue applications as indicated in the first line of 37 CFR 1.121. 37 CFR 1.173 is the section that is relevant to amendments in reissue applications. The Amendment filed November 22, 2005, therefore fully complies with 37 CFR 1.173. Therefore, no re-submission is believed to be necessary.

Because 37 CFR 1.121 does not apply, Applicants respectfully request that the application be passed on to an Examiner for further processing.

Respectfully submitted,

Dated: January 25, 2006

By: \_\_\_\_\_

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